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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 CAPITAL ONE BANK (USA), N.A.,

14 Plaintiff,

15 v.

16 EDMUND G. BROWN, JR., in his capacity as  
17 Attorney General of the State of California,

18 Defendant.

Case No. C08-02289-SC

**STIPULATION TO EXTEND  
TIME TO RESPOND TO  
COMPLAINT**

Hon. Samuel Conti

Complaint Filed: May 2, 2008  
Trial Date: TBA

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1 Pursuant to Civil Local Rule 6-1(a), it is hereby stipulated by and between Plaintiff  
2 Capital One Bank (USA), N.A. and Defendant Edmund G. Brown Jr., in his capacity as Attorney  
3 General of the State of California, through their respective attorneys, that the time by which  
4 Defendant may plead or otherwise respond to the operative complaint shall be extended to and  
5 include December 1, 2008. There have been no previous modifications of any deadlines in this  
6 case and the stipulated extension does not affect the date of any event or any deadline already  
7 fixed by Court order.

8 Dated: September 17, 2008

MORRISON & FOERSTER LLP

10 By: /s/ James F. McCabe  
11 James F. McCabe

12 Attorneys for Plaintiff  
13 CAPITAL ONE BANK (USA), N.A.

14 Dated: September 17, 2008

15 STATE OF CALIFORNIA DEPARTMENT  
16 OF JUSTICE, OFFICE OF THE ATTORNEY  
17 GENERAL



18 By: /s/ Kathrin Sears  
19 Kathrin Sears  
20 Deputy Attorney General

21 Attorneys for Defendant  
22 EDMUND G. BROWN JR., in his  
23 capacity as Attorney General of the  
24 State of California

### E-FILING ATTESTATION

25 I, James F. McCabe, am the ECF user whose ID and password are being used to file this  
26 stipulation. I hereby attest that Kathrin Sears has concurred in this filing.

27 Dated: September 17, 2008

28 By: /s/ James F. McCabe  
James F. McCabe